

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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**IN THE MATTER OF:**

**No. 17-I-588**

**MONICA DENISE NEWELL, LRT**

*Applicant*

**CONSENT ORDER FOR ISSUANCE OF  
LICENSE ON PROBATION**

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This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Monica Denise Newell ("Ms. Newell") for a license to practice as a licensed respiratory therapist ("LRT") in this state. While a review of the materials submitted in support of her application indicate that she satisfies the educational and other requirements necessary for licensure consideration, Ms. Newell was unable to pass the entry level credentialing examination offered by the NBRC within her first four (4) attempts, however subsequently she did successfully pass the examination. In addition, she was issued a license in Mississippi as a Respiratory Care Practitioner in October 2016. Due to extraordinary family medical issues during the past year, Ms. Newell has petitioned the Board to waive the failed attempts and to grant her a license so that she can practice in Louisiana. After review of the pertinent documents, the Board is persuaded that the public is adequately protected by the issuance of her license under a probationary status.

As evidenced by her subscription hereto, Ms. Newell acknowledges the substantial accuracy of the foregoing information and that proof of such information upon administrative evidentiary hearing could establish sufficient cause for the rejection or denial of her application for licensure as a respiratory therapist in this state or such other action as the Board may deem appropriate, pursuant to the Louisiana Respiratory Therapy Practice Act, La. Rev. Stat. §37:3358<sup>1</sup>, and the Board's rules respecting respiratory therapists, La. Adm. C. 46XLV.2536.<sup>2</sup>

In consideration of this finding the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §§37:3351, *et seq.*, will be effectively served by entry of the Order set forth hereinafter by consent.

Recognizing her right to have administrative adjudication of the above charges, at which time she would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon

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<sup>1</sup> Pursuant to La.Rev.Stat. 37:3358A. (19), the Board may refuse to issue, suspend, or revoke a license to practice respiratory therapy as the result of: "Violations of any rules and regulations of the board or any provisions of this Chapter."

<sup>2</sup> Pursuant to La. Ad. C. 46XLV.2536.A "An applicant who failed to obtain a passing score upon taking the entry level credentialing examination offered by the NBRC four times shall be ineligible for licensure under this Chapter."

written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951, *et seq.*, Ms. Newell, nonetheless, hereby waives her right to notice of charges, formal adjudication and written decision and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. Moreover, by her subscription hereto, Ms. Newell also waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act<sup>3</sup> or which otherwise may be afforded to her by law, to contest her agreement to or the force and effect of this document in any court or before any judicial or administrative agency or body, relating to the matters referred to herein. By her subscription hereto, Ms. Newell also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and she waives any objection to such disclosures under La. Rev. Stat. §49:960. Furthermore, Ms. Newell expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to pursue any Administrative Complaint filed against her or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order. Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:3358 and La. Rev. Stat. §49:955D;

**IT IS ORDERED** that a license is hereby issued **on probation** for a minimum of one (1) year to Monica Denise Newell to practice as a licensed respiratory therapist in the state of Louisiana, subject to her acceptance of and strict compliance with the following terms and conditions:

- (1) **Board Approval of Practice Site.** Following the effective date of this Order and for the duration of the probationary period, Ms. Newell shall provide the Board with information including a complete and accurate description, name and contact information of her practice setting and her immediate supervisor, and such further information as the Board may request, concerning any practice setting in which Ms. Newell intends to practice. Ms. Newell shall not engage in the practice of respiratory therapy in any practice setting in advance of the Board's specific written approval of such practice setting.
- (2) **Notification of Order; Reports from Supervisors; Authorization.** Prior to beginning or returning to work, Ms. Newell shall provide a copy of this Consent Order to each hospital, clinic, facility, physician, or other employer or prospective employer at which or for whom she provides respiratory therapy care in this state. Thereafter, Ms. Newell shall authorize and cause the supervisor, or another designee approved by the Board, to submit to the Board quarterly written reports of his/her determination concerning Ms. Newell's professional competence as derived from such monitoring. In addition, upon request of the Board's probation and compliance officer, Ms. Newell shall immediately execute and provide, as may be necessary, authorization to obtain any and all peer review records or other employment records pertaining to her from any hospital, institution, physician, or other health care entity where she is employed.
- (3) **Monitoring of Practice.** Ms. Newell shall remain under monitoring until such time as the Board has received no less than four (4) consecutive quarterly reports attesting to the fact that her practice is in accordance with good respiratory therapy practice and the prevailing standards of care.
- (4) **Self-Reporting of Violations.** Ms. Newell shall immediately self-report in writing to the probation and compliance officer any violation of or failure to adhere to the terms, conditions or restrictions of this Order. Furthermore, Ms. Newell shall immediately self-report in writing any personal action or inaction which constitutes a violation of the Act, and any and all investigations,

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<sup>3</sup> La. Rev. Stat. §49:951, *et seq.*

inquires, charges, convictions, or disciplinary actions taken by any local, state or federal agency, or any institution or facility.

(5) **Cooperation with Board's Probation and Compliance Officer.** Ms. Newell shall immediately notify the Board's Probation and Compliance Officer of any change in her current home and professional addresses and telephone numbers and she shall direct all matters required pursuant to this Consent Order to the attention of the probation and compliance officer with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms and conditions of this Consent Order.

(6) **Absence from State/Practice/Effect on Probation.** Should Ms. Newell at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a respiratory therapist, for a period of thirty (30) days or more, she will so advise the Board in writing. In such instance, the probationary period ordered herein shall be deemed interrupted and extended for no less than the period of time during which she was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed at the Board's discretion.

(7) **Term of Probation/Certification of Compliance/Personal Appearance.** The probation term of this Order shall, at a minimum, remain in effect for one (1) year or for such longer period as the Board may, in its sole discretion, deem appropriate. At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Ms. Newell shall provide the Board with an affidavit certifying that she has complied with each of the terms of probation imposed by this Order and she shall contact the Board and arrange for a personal appearance before the Board or its designee at its meeting preceding the expiration of her probationary period. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Ms. Newell's compliance with the requirements of this provision.

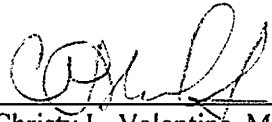
(8) **Effect of Violation/Sanction/Resolution.** By her subscription hereto, Ms. Newell acknowledges that her receipt of written notification that the Board has received apparently reliable information which indicates her failure to comply with the requirements set forth by this Order in any respect, shall, without the need for formal hearing or for providing her with any right to which she may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 et seq., or which otherwise may be afforded to her by law, constitute her irrevocable consent to the immediate suspension of her license to practice respiratory therapy in this state by the Board pending the final resolution of an administrative hearing and issuance of a final decision by the Board with respect to the information made the basis of such report or acceptance of a revised Consent Order.

**IT IS FURTHER ORDERED** that any violation of strict compliance with any of the terms or conditions of this Order by Ms. Newell shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the suspension or revocation of Ms. Newell's license to practice respiratory therapy in the state of Louisiana or for such other disciplinary action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:3358.

**IT IS FURTHER ORDERED** that this Consent Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective this 14<sup>th</sup> day of August,  
2017.

**LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS**

By:   
Christy L. Valentine, M.D.  
PRESIDENT

*Acknowledgment and Consent Follows this Page*

STATE OF Louisiana  
PARISH OF Madison

**ACKNOWLEDGMENT  
AND CONSENT**

I, MONICA DENISE NEWELL, LRT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 26<sup>th</sup> day of July, 2017.

Monica Denise Newell LRT  
MONICA DENISE NEWELL, LRT

**WITNESSES:**

Lacy Ferry  
Signature  
Lacy Ferry  
Printed Name  
2514 Forest Cemetery Rd  
Address  
Pioneer, LA 71266  
City, State, Zip Code

Todd Valentine  
Signature  
Todd Valentine  
Printed Name  
PO Box 642  
Address  
Wisner LA 71378  
City, State, Zip Code

Sworn to and subscribed before me at Tallulah, LA, this 26<sup>th</sup> day of July, 2017, in the presence of the two stated witnesses.

Sally Mahoney  
Notary Public (Signature and Seal)

Sally Mahoney 54577  
Printed Name/Notary or Bar Number